IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21859 of 2004

Between:

1 Syed Ismail, S/o. Syed Imam,
Asst. Grade I (D), District Office,

Food Corporation
of India, Kakinada

2 L. Gandhi, S/o. Sri Appalaswawmy,
Asst. Grade I (D),

District Office, Food Corporation of India,
Tadepalligudem.

3. P.B. Ranga Swamy,

S/o. Srinivasa Ramanujacharyulu,
Asst. Grade I (D), District Office,

Food Corporation of India,
Tarnaka, Hyderabad.

4. Palla Prabhakar Rao,

S/o. P. Dali Naidu,
Asst. Grade I (D), District Office,

Food Corporation of India,
Tadepalligudem.

5. Md. Khadar Shariff,

S/o. Abdulla Shariff,

Asst. Grade II (D), District Office,

Food Corporation of India,
Karimnagar.

6. S.K.V. Swamy,

S/o. Sri S.K.S. Ramanujacharyulu,
Asst. Grade I (D),

District Office, Food Corporation of India,
Vijayawada

7. Mekala Subba Rao,

S/o. M. Pitchayya,
Asst. Grade II (D), District Office,

Food Corporation of India,
Warangal.

8. A.V.N. Sagar,

S/o. A. Suryanarayana,
Asst. Grade II (D),

District Office, Food Corporation of India,
Vijayawada

9. Mohammed Ali,

S/o. Md. Mastan,
Asst. Grade II (D), District Office,

Food Corporation of India,
Tadepalligudem.

10. Y. Subba Rao,

S/o. Y. Veerayya,
Asst. Grade II (D),

District Office, Food Corporation of India,
Guntur.

..... PETITIONERS

AND

1. The Food Corporation of India,

Representation by its
Chairman & Managing Director,

16-20, Barakamba Lane, New Delhi.

2. The Zonal Manager,

The Food Corporation of India,
South Zone, Haddows Road, Chennai – 6

3 The Food Corporation of India,

HACA Bhawan, Saifabad,

Hyderabad,

Rep by its Senior Regional Manager.

4. The District Office,

The Food Corporation of India,

Tadepalligudem,
Rep by its District Manager

5. The District Office,

The Food Corporation of India,

Kakinada,
rep by its District Manager

6. The District Office,

The Food Corporation of India,

Warangal,
rep by its District Manager

7. The District Office,

The Food Corporation of India,

Karimnagar,
rep by its District Manager

8. The District Office,

The Food Corporation of India,

Tarnaka, Hyderabad
rep by its District Manager

9. The District Office,

The Food Corporation of India,

Vijayawada,
rep by its District Manager

10. The District Office,

The Food Corporation of India,

Guntur,
rep by its District Manager

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate (i) declaring the order No. V & S 4(9) /2003-Eluru dated 05-08-2003 including the Consequential Proceedings No.VES4(9)/2003-Eluru dated 7-6-2004 as illegal and arbitrary; (ii) declaring the proceedings of Sr. Regional Manager and the Appellate Authority in No. Vig 5 (13)/2004 dated 10-11-2004 is illegal and arbitrary, and consequently direct the respondents not to make any recovery from the salaries of the petitioners duly directing for refund of the amounts, if any, recovered from the petitioners.

Counsel for the Petitioners: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21859 of 2004

ORDER:

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Admittedly, a review petition lies to the 2nd respondent-Zonal Manager, Food

Corporation of India, Chennai, within 45 days from the date of receipt of a copy of the impugned order. The Jurisdiction of the authority who passed this order is not under challenge.

2. Therefore, without entering into the merits of the case, a direction is given to the petitioners to file a review petition before the 2nd respondent-Zonal Manager. The 2nd respondent-Zonal Manager has to dispose of the review petition within three months from the date of filing of a review petition. Thereafter, till the disposal of review petition, no recovery proceedings should be initiated.

3. Accordingly, the writ petition, with the said observation, is disposed of. There shall be no order as to costs.

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November 29, 2004

Kvr

To

1 The Chairman & Managing Director,

Food Corporation of India,

16-20, Barakamba Lane, New Delhi.

2 The Zonal Manager,

The Food Corporation of India,
South Zone, Haddows Road, Chennai – 6

3 Senior Regional Manager.

The Food Corporation of India,

HACA Bhawan, Saifabad,

Hyderabad,

4 The District Manager, District Office,
The Food Corporation of India,
Tadepalligudem,

5 The District Manager, District Office,
The Food Corporation of India,
Kakinada,

6 The District Manager, District Office,
The Food Corporation of India,
Warangal,

7 The District Manager, District Office,
The Food Corporation of India,
Karimnagar,

8 The District Manager, District Office,
The Food Corporation of India,
Tarnaka, Hyderabad

9 The District Manager, District Office,
The Food Corporation of India,
Vijayawada,

10 The District Manager, District Office,
The Food Corporation of India,
Guntur,

11 Two C.D.Copies.